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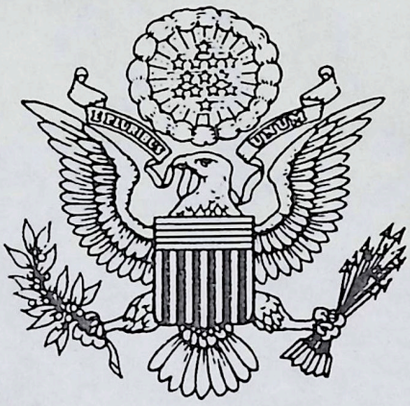
Record 1 out of 1

Check Status *(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)*

WHOLE REVIEW EARTH

Word Mark	WHOLE REVIEW EARTH
Goods and Services	IC 016. US 002 005 022 023 029 037 038 050. G & S: national general interest magazine. FIRST USE: 19841200. FIRST USE IN COMMERCE: 19841200
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	010701 270305
Serial Number	74582930
Filing Date	October 6, 1994
Published for Opposition	July 4, 1995
Registration Number	**1921978**
Registration Date	September 26, 1995
Owner	(REGISTRANT) Point Foundation NOT-FOR-PROFIT CORPORATION CALIFORNIA 27 Gate Five Road Sausalito CALIFORNIA 94965
Attorney of Record	Edward H. Rosenthal
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "REVIEW" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL

The United States of America



CERTIFICATE OF REGISTRATION

This is to certify that the records of the Patent and Trademark Office show that an application was filed in said Office for registration of the Mark shown herein, a copy of said Mark and pertinent data from the Application being annexed hereto and made a part hereof,

And there having been due compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks,

Upon examination, it appeared that the applicant was entitled to have said Mark registered under the Trademark Act of 1946, as amended, and the said Mark has been duly registered this day in the Patent and Trademark Office on the

PRINCIPAL REGISTER

to the registrant named herein.

This registration shall remain in force for TEN years unless sooner terminated as provided by law.

In Testimony whereof I have hereunto set my hand and caused the seal of the Patent and Trademark Office to be affixed this twenty-sixth day of September 1995.

Bruce Lehman

Commissioner of Patents and Trademarks

PTO-130
(Rev. 8-89)

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

Reg. No. 1,921,978

United States Patent and Trademark Office Registered Sep. 26, 1995

TRADEMARK
PRINCIPAL REGISTER

WHOLE EARTH REVIEW

POINT FOUNDATION (CALIFORNIA NOT-FOR-PROFIT CORPORATION)
27 GATE FIVE ROAD
SAUSALITO, CA 94965

FOR: NATIONAL GENERAL INTEREST MAGAZINE, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 12-0-1984; IN COMMERCE 12-0-1984.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "REVIEW" , APART FROM THE MARK AS SHOWN.

SER. NO. 74-582,930, FILED 10-6-1994.

STEVEN R. FOSTER, EXAMINING ATTORNEY

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT COMMISSIONER FOR TRADEMARKS
2900 Crystal Drive
Arlington, Virginia 22202-3513

#629

JUN. 2, 1995

NOTICE OF PUBLICATION UNDER 12(a)

1. Serial No.:
74/582,930

2. Mark:
WHOLE REVIEW EARTH
and design

3. Applicant:
Point Foundation

4. Publication Date:
JUL. 4, 1995

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained at $19.00 each for domestic orders, or at $23.75 each for foreign orders from:

The Superintendent of Documents
U.S. Government Printing Office
Washington,D.C. 20402

By direction of the Commissioner.

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

SERIAL NO. 74/582930 Point Foundation

MARK WHOLE REVIEW EARTH AND DESIGN

ADDRESS
Edward H. Rosenthal
Frankfurt, Garbus, Klein & Selz, P.C.
488 Madison Avenue
New York, NY 10022

ACTION NO. 01

MAILING DATE 03/09/95

REF. NO. 054210300.62

PAPER NO.

ADDRESS
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

The address of all correspondence not containing fee payment should include the word "BOX 5."

Please provide in all correspondence:
1. Your telephone number and Zip Code.
2. Mailing date of this action.
3. Examining attorney's name and law office number.

FORM PTO-1525 (5-90) U.S. DEPT. OF COMM. PAT. & TM OFFICE

TRADEMARK LAW OFFICE 8
Serial Number: 74/582930
Mark: WHOLE REVIEW EARTH & DESIGN ?
Please Place on Upper Right Corner
**of Response to Office Action ONLY **

Edward H Rosenthal

☐ APPLICANT ☑ ATTORNEY

☐ PERSONAL INTERVIEW ☑ TELEPHONE CALL	INTERVIEW DATE	AREA CODE	TELEPHONE NUMBER
	3/06/95	212	980-0120

CALL RECORD

1. ☐ **PRIORITY ACTION:** To comply with stated application requirements, Applicant or Applicant's attorney has two months from the above mailing date for this case to be given priority as an amended case. If Applicant or Applicant's attorney does not respond within two months, a proper response must still be made within **SIX MONTHS** from the mailing date in order to avoid **ABANDONMENT.**

2. ☑ **EXAMINER'S AMENDMENT:** In accordance with the authorization granted by the above Applicant or attorney, the application has been amended as indicated below. No response is necessary unless there is an objection to the amendment.

3. ☑ The Examining Attorney has searched the Office records and has found no similar registered or pending marks which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d) (1986).

Enter the following:
No claim is made to the exclusive right to use "Review" apart from the mark as shown.

EXAMINING ATTORNEY SIGNATURE

STEVEN FOSTER
NAME

8
LAW OFFICE

(703) 308-9108 Ext 145
PHONE

FORM PTO-1398 (REV. 8/94) U.S. DEPARTMENT OF COMMERCE-Patent and Trademark Office

FILING RECEIPT FOR TRADEMARK APPLICATION

01/26/95

Receipt on the DATE OF FILING of the application for registration and filing fees is acknowledged for the mark identified below. The DATE OF FILING is contingent upon the collection of any payment made by check or draft. Your application will be considered in the order in which it was received and you will be notified as to the examination thereof. Correspondence should be expected from the Patent and Trademark Office in approximately 06 months. When inquiring about this application, include the SERIAL NUMBER, DATE OF FILING, OWNER NAME and MARK.

TMPRE

Edward H. Rosenthal
Frankfurt, Garbus, Klein & Selz, P.C.
488 Madison Avenue
New York, NY 10022

ATTORNEY REFERENCE NUMBER
054210300.629

PLEASE REVIEW THE ACCURACY OF THE FILING RECEIPT DATA.

A request for correction of any information on this filing receipt should be submitted within 30 days to the following address: ASSISTANT COMMISSIONER FOR TRADEMARKS, 2900 Crystal Drive, Arlington, Va. 22202-3513. The correspondence should be marked to the attention of the Office of Program Control. The Patent and Trademark Office will review the request and make corrections when appropriate.

SERIAL NUMBER: 74/582930
MARK: WHOLE REVIEW EARTH
MARK TYPE(S): TRADEMARK
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS AND DESIGN
SECTION 1(A): YES **SECTION 1(B):** NO

DATE OF FILING: 10/06/1994

SECTION 44: NO

ATTORNEY: Edward H. Rosenthal
OWNER NAME: Point Foundation
OWNER ADDRESS: 27 Gate Five Road
Sausalito
CALIFORNIA 94965
ENTITY: NOT-FOR-PROFIT CORPORATION
CITIZENSHIP/DOMICILE: CALIFORNIA

INTERNATIONAL CLASS	DATE OF FIRST USE	DATE OF FIRST USE IN COMMERCE
016	12/00/1984	12/00/1984

ONLY THOSE DATES OF USE AND CLASSES FILED UNDER SECTION 1(A) ARE LISTED

GOODS/SERVICES BY INTERNATIONAL CLASS

016-magazine

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

ADDITIONAL INFORMATION MAY BE PRESENT IN THE PTO RECORDS

TRADEMARK APPLICATION,
PRINCIPAL REGISTER,
WITH DECLARATION

WHOLE EARTH REVIEW & Design
International Class: 16

To the Commissioner of Patents and Trademarks:

Point Foundation, a not-for-profit corporation organized under the laws of the State of California with offices located at 27 Gate Five Road Sausalito, CA 94965, identified as Applicant herein, has adopted and is using the trademark shown in the accompanying drawing herein, for the following goods:

National general interest magazine

and requests that said mark be registered in the United States Patent and Trademark office on the Principal Register established by the Act of July 5, 1946, 15 U.S.C. §1051 et seq. as amended.

The mark was first used in connection with the goods as early as December 1984; was first used in connection with the services rendered in interstate commerce as early as December 1984; and is now in use in such commerce. The mark is used on the goods themselves. Three specimens showing the mark in use are presented herewith.

POWER OF ATTORNEY

The undersigned hereby appoints as its attorney Edward H. Rosenthal, c/o Frankfurt, Garbus, Klein & Selz, P.C., 488 Madison Avenue, New York, New York 10022, with full power of substitution, association and revocation, to prosecute this Application to register and to transact all business in the United States Patent and Trademark office in connection herewith, and to receive the Certificate of Registration.

Please direct all correspondence and telephone calls to Edward H. Rosenthal, c/o Frankfurt, Garbus, Klein & Selz, P.C., 488 Madison Avenue, New York, New York 10022, telephone number (212) 980-0120.

DECLARATION

Peggy Lauer, hereby warned that willful and false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any registration resulting therefrom, declares that she is the President of the applicant herein; she believes said applicant to be the owner of the mark sought to be registered; to the best of her knowledge and belief no

other person, firm, corporation or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as to be likely, when applied to the goods or services of such other person, to cause confusion, or to cause mistake, or to deceive; and the facts set forth in this application are true, and that all statements made on information and belief are believed to be true.

POINT FOUNDATION

By: Peggy Lauer

Peggy Lauer, President

DATE: 10·2·94

Point Foundation
27 Gate Five Road
Sausalito, CA 94965

First Use: As early as December 1984

First Use in Commerce: As early as December 1984

Goods: National general interest magazine

WHOLE EARTH
REVIEW

From: David Bolling <david@wholeearthmag.com>
To: Deirdre Clarke <DClarke@FGKS.COM>
Date: 6/27/01 1:51PM
Subject: Re: Whole Earth trademarks

Deirdre:

Thanks for your quick response. Yes, I think we will handle the matter in-house and I would appreciate your forwarding the files. If it's not self-evident I'd also appreciate clarification on the time frame for filing.

Thanks very much,

David Bolling
--
David Bolling
Whole Earth magazine
415.256.2800 ext. 225 * Fax: 415-256-2808
http://www.wholeearth.com

From: Deirdre Clarke
To: Bolling, David
Date: 6/27/01 11:27AM
Subject: Re: Whole Earth trademarks

Dear David:

Thank you for your response. The filing of an Affidavit of Use is routine enough for your in-house counsel to handle. To that end, this will confirm that our firm will no longer be handling these trademark matters, and they will be removed from our docket.

On a related matter, would you like for us to forward the files to your offices.
Please advise.

Sincerely,

Deirdre

>>> David Bolling <david@wholeearthmag.com> 06/25/01 07:19PM >>>
Dear Deirdre:

I am the new publisher of Whole Earath Magazine and Mike Stone passed along your letter of June 19. Thanks for alerting us to the need for filing affidavits of use. I am assuming this is a routine matter that we can handle in-house. If not, please advise me regarding the necessary steps.

Thanks very much.

David Bolling
--
David Bolling
Whole Earth magazine
415.256.2800 ext. 225 * Fax: 415-256-2808
http://www.wholeearth.com

Frankfurt Garbus Kurnit Klein & Selz, PC

Attorneys at Law

488 Madison Avenue
New York, New York 10022
Tel: (212) 980-0120
Fax: (212) 593-9175

Deirdre Clarke
Paralegal
Extension: 6715
email: dclarke@fgks.com

June 19, 2001

Mike Stone
Point Foundation
1408 Mission Avenue
San Rafael, CA 94015

Re: U. S. Trademark Registrations
WHOLE EARTH CATALOG in Class 16
WHOLE EARTH CATALOG AND DESIGN in Class 16
WHOLE EARTH REVIEW in Class 16
WHOLE EARTH REVIEW AND DESIGN in Class 16

Dear Mr. Stone:

Our firm obtained trademark registrations on behalf of the Point Foundation for the above-captioned marks. Although our firm has not performed any work for the Point Foundation since the completion of the registration process, the trademarks remain on our docket. Accordingly, we would like to advise you that affidavits of use must be filed for these trademarks between the fifth and sixth anniversaries of the dates of registration. The affidavits attest to your company's current use of the marks in interstate commerce. The above trademarks have entered into the aforementioned time frame.

Kindly contact us at your earliest convenience so that we may discuss how you would like this matter handled.

Sincerely,

Deirdre Clarke

cc: Michael P. Frankfurt, Esq.
Edward H. Rosenthal, Esq.

FGKS: 149150.1 6/19/01

099999.000

LAW OFFICES OF
BERTRAND, FOX, ELLIOT & COLWELL
A PROFESSIONAL CORPORATION
THE WATERFRONT BUILDING
2749 HYDE STREET
SAN FRANCISCO, CALIFORNIA 94109
TELEPHONE: (415) 353-0999
E-Mail: bfecsf@bfecsf.com

TELECOPIER: (415) 353-0990

THOMAS F. BERTRAND
GREGORY M. FOX
EUGENE B. ELLIOT
KIMBERLY E. COLWELL
DANA L. SOONG
JENNIFER L. MARSHALL
DENA M. ROCHE
MICHAEL R. SOLOMON

OF COUNSEL
NANCY A. HUNEKE

June 1, 2001

Deidre Clarke, Esq.
Frankfurt, Garbus, Kurnit, Klein & Selz, PC
Attorneys at Law
488 Madison Avenue
New York, NY 10022

Re: **POINT FOUNDATION/WHOLE EARTH TRADMARKS**

Dear Ms. Clarke:

We are no longer counsel of record for the Point Foundation. Please direct all future correspondence and future notices to Mike Stone, Point Foundation, 1408 Mission Avenue, San Rafael, California, 94015.

Thank you.

Very truly yours,

BERTRAND, FOX, ELLIOT & COLWELL

By: Gregory M. Fox /e
Gregory M. Fox

GMF:elf
cc: Mike Stone

Frankfurt Garbus Kurnit Klein & Selz, PC

Attorneys at Law

488 Madison Avenue
New York, New York 10022
Tel: (212) 980-0120
Fax: (212) 593-9175

Deirdre Clarke
Paralegal
Extension: 6715
email: dclarke@fgks.com

March 27, 2001

Six- Month Reminder

Mr. Tyrone Cashman
c/o Gregory M. Fox, Esq.
Bertrand, Fox & Elliot
2749 Hyde Street
San Francisco, CA 94109-1222

Re: U. S. Trademark Registrations
WHOLE EARTH CATALOG in Class 16
WHOLE EARTH CATALOG AND DESIGN in Class 16
WHOLE EARTH REVIEW in Class 16
WHOLE EARTH REVIEW AND DESIGN in Class 16

Dear Mr. Cashman:

Further to our letter of September 20, 2000, our firm obtained trademark registrations on behalf of the Point Foundation for the above-captioned marks. Although our firm has not performed any work for the Point Foundation since the completion of the registration process, the trademarks remain on our docket. Accordingly, we would like to advise you that affidavits of use must be filed for these trademarks between the fifth and sixth anniversaries of the dates of registration. The affidavits attest to your company's current use of the marks in interstate commerce. The above trademarks have entered into the aforementioned time frame.

Kindly contact us at your earliest convenience so that we may discuss how you would like this matter handled.

Sincerely,

Deirdre Clarke

cc: Michael P. Frankfurt, Esq.
Edward H. Rosenthal, Esq.

#629

M E M O R A N D U M

TO: File

FROM: Paul J. LePore

RE: Point Foundation

DATE: March 19, 1997

At the request of Michael Stone, all correspondence regarding Point Foundation trademarks should be forwarded to:

MR. ALEX GAULT
POINT FOUNDATION
27 GATE FIVE ROAD
SAUSALITO, CA 94965
TEL: 415-256-2800

FRANKFURT, GARBUS, KLEIN & SELZ
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
488 MADISON AVENUE
NEW YORK, NEW YORK 10022
(212) 980-0120

September 3, 1996

Mr. Michael Stone
Point Foundation
27 Gate Five Road
Sausalito, CA 94965

Re: Trademark Application
WHOLE EARTH REVIEW & DESIGN
Reg. No.: 1,921,978
Int'l Class 016
(05421-0300-629)

Dear Mr. Stone:

We are pleased to inform you that a Certificate of Registration has been issued for the above trademark. We have enclosed a photocopy of the Registration Certificate and will keep the original in our files. The registration is effective September 26, 1995 and will be in full force and effect for ten (10) years until September 26, 2005.

Under trademark law, an affidavit of continued use must be filed during the sixth year of registration. This means that an affidavit must be filed between September 26, 2000 and September 26, 2001. This Affidavit attests to your use of the trademark in interstate commerce for five consecutive years.

If the Affidavit is not filed with the trademark office by September 26, 2001, then your rights to the registration will automatically lapse. It is important that you record these dates for your files.

In order to inform others of your rights to the marks, the ® notice should be included whenever the marks are used.

If you have any questions, please contact me or Ned Rosenthal at (212) 980-0120.

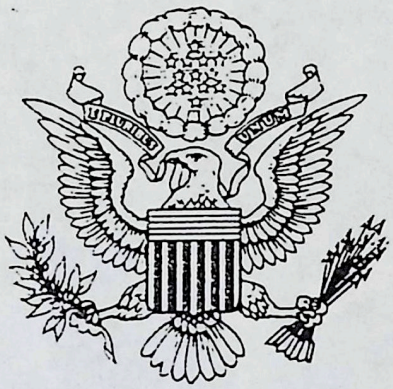
Sincerely yours,

Hilary S. Geier
Supervising Paralegal

HSG/ms
Encls.

cc: Edward H. Rosenthal, Esq.

The United States of America



CERTIFICATE OF REGISTRATION

This is to certify that the records of the Patent and Trademark Office show that an application was filed in said Office for registration of the Mark shown herein, a copy of said Mark and pertinent data from the Application being annexed hereto and made a part hereof,

And there having been due compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks,

Upon examination, it appeared that the applicant was entitled to have said Mark registered under the Trademark Act of 1946, as amended, and the said Mark has been duly registered this day in the Patent and Trademark Office on the

PRINCIPAL REGISTER

to the registrant named herein.

This registration shall remain in force for TEN years unless sooner terminated as provided by law.

In Testimony whereof I have hereunto set my hand and caused the seal of the Patent and Trademark Office to be affixed this twenty-sixth day of September 1995.

Bruce Lehman

Commissioner of Patents and Trademarks

PTO-130
(Rev. 8-89)

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

Reg. No. 1,921,978

United States Patent and Trademark Office Registered Sep. 26, 1995

TRADEMARK
PRINCIPAL REGISTER

WHOLE EARTH REVIEW

POINT FOUNDATION (CALIFORNIA NOT-FOR-PROFIT CORPORATION)
27 GATE FIVE ROAD
SAUSALITO, CA 94965

FOR: NATIONAL GENERAL INTEREST MAGAZINE, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 12-0-1984; IN COMMERCE 12-0-1984.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "REVIEW" , APART FROM THE MARK AS SHOWN.

SER. NO. 74-582,930, FILED 10-6-1994.

STEVEN R. FOSTER, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

Reg. No. 1,921,978

United States Patent and Trademark Office Registered Sep. 26, 1995

TRADEMARK
PRINCIPAL REGISTER

WHOLE EARTH REVIEW

POINT FOUNDATION (CALIFORNIA NOT-FOR-PROFIT CORPORATION)
27 GATE FIVE ROAD
SAUSALITO, CA 94965

FOR: NATIONAL GENERAL INTEREST MAGAZINE, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 12-0-1984; IN COMMERCE 12-0-1984.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "REVIEW" , APART FROM THE MARK AS SHOWN.

SER. NO. 74-582,930, FILED 10-6-1994.

STEVEN R. FOSTER, EXAMINING ATTORNEY

Entered 10-16-95

FRANKFURT, GARBUS, KLEIN & SELZ
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
488 MADISON AVENUE
NEW YORK, NEW YORK 10022
(212) 980-0120

ARTHUR J. KLEIN (1932 - 1993)
MARTIN GARBUS
MICHAEL P. FRANKFURT
THOMAS D. SELZ
ARTHUR J. GINSBURG
ROBERT N. SOLOMON
ROBERT G. WISE
RICHARD KURNIT
RICHARD B. HELLER
JERROLD B. SPIEGEL
GERALD E. SINGLETON
RICHARD HOFSTETTER
EDWARD H. ROSENTHAL
MAURA J. WOGAN
IRA SCHRECK
SETH D. GELBLUM
RUSSELL A. SMITH
LISA E. DAVIS

GAVIN D. McELROY
JANE M. ABERNETHY
JILL N. GOLDSTEIN
CANDICE STEIN KERSH
JAIME M. WOLF
DAVID Y. ATLAS
JOSEPH J. DAPELLO
TIMOTHY M. CRAIG
KYRAN CASSIDY
MICHAEL J. LUISI
ELIZABETH QUINN PEARCE
AMY A. CIBINIC

COUNSEL
RONALD S. KONECKY
STUART SILFEN

TRUSTS & ESTATES COUNSEL
HEIDI K. FREUND

FACSIMILE
(212) 593-9175
(212) 758-7954

DIRECT DIAL NUMBER
826-5581

May 16, 1995

VIA FACSIMILE (415) 332-3110

Mr. Tyrone Cashman
Point Foundation
27 Gate Five Road
Sausalito, CA 94965

Re: Point Foundation (5421-0300)

Dear Mr. Cashman,

We have applied for eight registrations of the mark WHOLE EARTH CATALOGUE, or variations thereof. The status of these applications is as follows:

Application Serial No. 74/582,937

This application is to register the mark WHOLE EARTH CATALOGUE in International Class 16. It was filed on October 6, 1994 and there has been an Examiner's Amendment modifying the description of goods to read:

"books which catalogue a wide range of products and services available from third parties in the fields of the environment, personal health and lifestyles."

In addition, the term "CATALOGUE" has been disclaimed.

Application Serial No. 74/582,938

This application is to register the mark WHOLE EARTH CATALOGUE and Design in International Class 16. It was filed on October 6, 1994, and an Examiner's Amendment, including disclaimer, is identical to that of Application Serial No. 74/582,937, above.

Mr. Tyrone Cashman
May 16, 1995

Application Serial No. 74/582,929

This application is to register the mark WHOLE EARTH CATALOGUE in International Class 9. It was filed on October 6, 1994, for "CD-ROMs, computer software, video cassettes and audio cassettes in the field of the environment, personal health, lifestyles and other topics of general interest." In an Examiner's Amendment, the term "CATALOGUE" has been disclaimed.

Application Serial No. 74/582,927

This application is to register the mark WHOLE EARTH CATALOGUE in International Class 28. It was filed on October 6, 1994 and an Examiner's Amendment was issued modifying the original description of goods to read:

"video games and accessories, namely, computer game cartridges and computer game equipment containing memory devices, namely discs."

There have been no disclaimers.

Application Serial No. 74/582,928

This application is to register the mark WHOLE EARTH CATALOGUE in International Class 41. It was filed on October 6, 1994 and an Examiner's Amendment was issued modifying the description of goods to read:

"entertainment services in the nature of a television series in the field of the environment, personal health and lifestyles."

There have been no disclaimers.

Application Serial No. 74/582,925

This application is to register the mark WHOLE EARTH CATALOGUE in International Class 42. It was filed October 6, 1994, and an Examiner's Amendment was issued modifying the description of goods to read:

"providing access to an interactive computer database in the field of information about available research materials in the field of the environment, personal health and lifestyles to adults and children; mail order catalogue services in the filed of a wide range of products and services available from third parties in the filed of the environment and personal health and lifestyles."

The term "CATALOGUE" has been disclaimed.

Application Serial No. 74/582,936

This application is to register the mark WHOLE EARTH REVIEW in International Class 16 for magazines. It was filed on October 6, 1994. In an Examiner's Amendment, the term "REVIEW" has been disclaimed.

Mr. Tyrone Cashman
May 16, 1995

Application Serial No. 74/582,930

This application is to register the mark WHOLE EARTH REVIEW and Design in International Class 16 for magazines. It was filed on October 6, 1994. In an Examiner's Amendment, the term "REVIEW" has been disclaimed.

We are awaiting Notices of Publication for all of these applications. We will let you know when we receive them. Please call me if you have any questions.

Sincerely,

Evan M. Gsell

EMG/eb.103
Enclosure

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

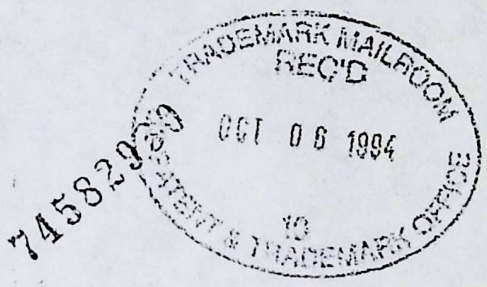
In re application of Point Foundation

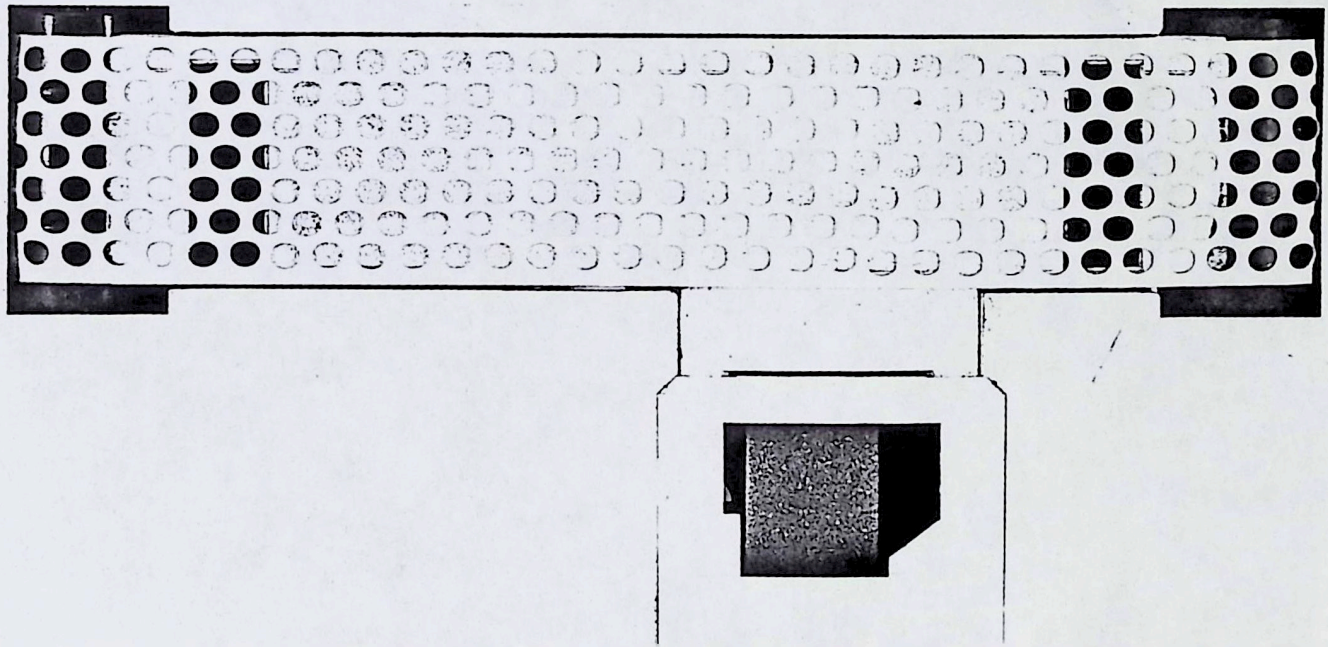
Mark: WHOLE EARTH REVIEW & Design
Class: 16
Filed: Concurrently Herewith
Our Ref: 5421-0300-629

Enclosed are:

1) Transmittal Letter
2) Trademark Application w/drawing
3) Check in the amount of $245 to cover filing fee
4) Three Specimens
4) Return Postcard

KINDLY DATE STAMP TO CONFIRM RECEIPT





FRANKFURT, GARBUS, KLEIN & SELZ
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
488 MADISON AVENUE
NEW YORK, NEW YORK 10022
(212) 980-0120

October 5, 1994

Via Express Mail

Assistant Commissioner for Trademarks
Box Trademark Application
2900 Crystal Drive
Arlington, VA 22202-3513

Re: Trademark Application
Mark: WHOLE EARTH REVIEW & DESIGN
Intl. Class: 16
Our Ref: 054210300-629

Dear Sir/Madam:

Enclosed please find an application to register the above-referenced mark. Also enclosed is a drawing, three specimens showing the mark as used and a check in the amount of $245.00 made payable to the "Commissioner of Patents and Trademarks".

Please charge any additional fees or credit any overpayment to Deposit Account No. 06-1839.

Kindly date stamp and return the enclosed postcard to confirm receipt.

Respectfully submitted,

FRANKFURT, GARBUS, KLEIN & SELZ, P.C.

Hayley Matcovsky
Hayley Matcovsky
Legal Assistant

HM/mc/Enc.

cc: Edward H. Rosenthal, Esq.
Jaime Wolf, Esq.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service by Express Mail No. TB677001589 in an envelope addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 on October 5, 1994.

Hayley Matcovsky

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Point Foundation

Mark: WHOLE EARTH REVIEW & Design
Class: 16
Filed: Concurrently Herewith
Our Ref: 5421-0300-629

Enclosed are:

1) Transmittal Letter
2) Trademark Application w/drawing
3) Check in the amount of $245 to cover filing fee
4) Three Specimens
4) Return Postcard

KINDLY DATE STAMP TO CONFIRM RECEIPT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Point Foundation

Mark: WHOLE EARTH REVIEW
Class: 16
Filed: Concurrently Herewith
Our Ref: 5421-0300-628

Enclosed are:

1) Transmittal Letter
2) Trademark Application w/drawing
3) Check in the amount of $245 to cover filing fee
4) Three Specimens
4) Return Postcard

KINDLY DATE STAMP TO CONFIRM RECEIPT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of POINT FOUNDATION

rk: WHOLE EARTH CATALOG
ass: 9
led: Concurrently Herewith
ır Ref: 5421-0300-624

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nclosed are:

) Transmittal Letter
) Trademark Application w/drawing
) Check in the amount of $245 to cover filing fee
) Return Postcard

INDLY DATE STAMP TO CONFIRM RECEIPT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Point Foundation

Mark: WHOLE EARTH CATALOG & Design
Class: 16
Filed: Concurrently Herewith
Our Ref: 5421-0300-622

Enclosed are:

1) Transmittal Letter
2) Trademark Application w/drawing
3) Check in the amount of $245 to cover filing fee
4) Three Specimens
4) Return Postcard

KINDLY DATE STAMP TO CONFIRM RECEIPT

WESTAMERICABANK N.A.
SAUSALITO OFFICE 1 800 848 1088
P.O. BOX 900 • ONE HARBOR DRIVE
SAUSALITO, CA 94966

POINT FOUNDATION
27 GATE 5 ROAD 332-1716
SAUSALITO, CA 94965

12899

90-4021/1211
506

September 29 1994

PAY TO THE ORDER OF Commissioner of Patents $ 245.00

TWO HUNDRED FORTY-FIVE and 00/00 DOLLARS

THIS CHECK IS DELIVERED IN CONNECTION WITH THE FOLLOWING ACCOUNTS

	MILLENNIUM WHOLE		
	EARTH CATALOG		
	TRADEMARK		

Michael K Stone
Hagen Howard

⑈012899⑈ ⑆121140218⑆ 0506602416⑈

WESTAMERICABANK N.A.
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POINT FOUNDATION
27 GATE 5 ROAD 332-1716
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506

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MILLENNIUM	WHOLE EARTH CATALOG		
	TRADEMARK		

Michael K Stone
Hagen Howard

⑈012898⑈ ⑆121140218⑆ 0506602416⑈

WESTAMERICABANK N.A.
SAUSALITO OFFICE 1 800 848 1088
P.O. BOX 900 • ONE HARBOR DRIVE
SAUSALITO, CA 94966

POINT FOUNDATION
27 GATE 5 ROAD 332-1716
SAUSALITO, CA 94965

12901

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506

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THIS CHECK IS DELIVERED IN CONNECTION WITH THE FOLLOWING ACCOUNTS

	MILLENNIUM WHOLE		
	EARTH CATALOG		
	TRADEMARK		

Michael K Stone
Hagen Howard

⑈012901⑈ ⑆121140218⑆ 0506602416⑈

WESTAMERICABANK N.A.
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27 GATE 5 ROAD 332-1716
SAUSALITO, CA 94965

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	MILLENNIUM WHOLE		
	EARTH CATALOG		
	TRADEMARK		

Michael K Stone
Hagen Howard

⑈012900⑈ ⑆121140218⑆ 0506602416⑈

FRANKFURT, GARBUS, KLEIN & SELZ
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
488 MADISON AVENUE
NEW YORK, NEW YORK 10022
(212) 980-0120

September 29, 1994

Via Federal Express

Mr. Gaetano Kazuo Maida
Director
Point Foundation
2550 Ninth Street
Berkeley, CA 94710-2552

Re: Trademark/Service Mark Applications
Mark: WHOLE EARTH CATALOG
Client/Matter 05421-0300

Dear Mr. Maida:

It was a pleasure speaking with you yesterday. Per our conversation, enclosed are the eight applications for the marks "WHOLE EARTH CATALOG" and "WHOLE EARTH REVIEW" to be filed in the United States Patent and Trademark Office.

The applications have been amended to reflect the changes we discussed. You will note that Peggy Lauer's name has been added to the all of the applications as President of Point Foundation. Also, for the "WHOLE EARTH REVIEW" applications, the description of goods now reads "National general interest magazine". The date December 1984 has also been added as the date of first use.

If everything else is in order, please have Ms. Lauer sign and date the documents in the appropriate spaces and return them to my attention. Also, please enclose eight separate checks in the amount of $245.00 each made payable to the "Commissioner of Patents and Trademarks" to cover the filing fees. In addition, as we discussed, please include the black and white drawings of the logos.

If you have any questions or comments, please do not hesitate to call me at (212) 826-5573.

Sincerely yours,

Hayley Matcovsky
Legal Assistant

Encl.

cc: Edward H. Rosenthal, Esq.
Jaime Wolf, Esq.

FRANKFURT, GARBUS, KLEIN & SELZ
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
488 MADISON AVENUE
NEW YORK, NEW YORK 10022
(212) 980-0120

September 22, 1994

Via Federal Express

Mr. Gaetano Kazuo Maida
Director
Point Foundation
2550 Ninth Street
Berkeley, Ca 94710-2552

Re: Trademark Application
Mark: WHOLE EARTH CATALOG
Mark: WHOLE EARTH REVIEW
Client/Matter 05241-0300

Dear Mr. Maida:

Per your request enclosed are four actual use applications for the above marks to be filed in the United States Patent and Trademark Office. The applications for "WHOLE EARTH CATALOG" and "WHOLE EARTH CATALOG and Design" are to be filed in Class 16 for a "Series of books" and the applications for "WHOLE EARTH REVIEW" and "WHOLE EARTH REVIEW and Design" are also to be filed in Class 16 for a "National monthly general interest magazine".

Please review the applications carefully, especially the description of goods. If all is in order, please sign and date the documents in the appropriate spaces and return them to my attention. In addition, please enclose four separate checks in the in the amount of $245.00 each made payable to the "Commissioner of Patents and Trademarks" to cover the filing fee.

You should note that we did not have the date of first use for "WHOLE EARTH REVIEW". Accordingly, please fill in the appropriate month and year on the blank spaces on the applications.

In addition, we will need black and white drawings for the applications that include the "earth" design. Please call Ned Rosenthal or me so we can discuss the Trademark Office's drawing requirements in further detail.

If you have any questions regarding any of these applications, please do not hesitate to call me at (212) 826-5573.

Sincerely yours,

Hayley Matcovsky

Hayley Matcovsky
Legal Assistant

HM:mc
Encl.

cc: Edward H. Rosenthal, Esq.
Jaime Wolf, Esq.

TRADEMARK APPLICATION,
PRINCIPAL REGISTER,
WITH DECLARATION

WHOLE EARTH REVIEW and Design
International Class: 16

To the Commissioner of Patents and Trademarks:

Point Foundation, a not-for-profit corporation organized under the laws of the State of California with offices located at 27 Gate Five Road Sausalito, CA 94965, identified as Applicant herein, has adopted and is using the trademark shown in the accompanying drawing herein, for the following goods:

National monthly general interest magazine

and requests that said mark be registered in the United States Patent and Trademark office on the Principal Register established by the Act of July 5, 1946, 15 U.S.C. §1051 et seq. as amended.

The mark was first used in connection with the goods in ____; was first used in connection with the services rendered in interstate commerce in ____; and is now in use in such commerce. The mark is used on the goods themselves. Three specimens showing the mark in use are presented herewith.

POWER OF ATTORNEY

The undersigned hereby appoints as its attorney Edward H. Rosenthal, c/o Frankfurt, Garbus, Klein & Selz, P.C., 488 Madison Avenue, New York, New York 10022, with full power of substitution, association and revocation, to prosecute this Application to register and to transact all business in the United States Patent and Trademark office in connection herewith, and to receive the Certificate of Registration.

Please direct all correspondence and telephone calls to Edward H. Rosenthal, c/o Frankfurt, Garbus, Klein & Selz, P.C., 488 Madison Avenue, New York, New York 10022, telephone number (212) 980-0120.

DECLARATION

John S. Sumser, hereby warned that willful and false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any registration resulting therefrom, declares that he is the Executive Director of the applicant herein; he believes said applicant to be entitled to use such mark in commerce; to the best of his knowledge and belief no

other person, firm, corporation or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as to be likely, when applied to the goods or services of such other person, to cause confusion, or to cause mistake, or to deceive; and the facts set forth in this application are true, and that all statements made on information and belief are believed to be true.

POINT FOUNDATION

By: _____
John S. Sumser
Executive Director

DATE: _____

Point Foundation
27 Gate Five Road
Sausalito, CA 94965

Goods: *National monthly general interest magazine*

LEGACY PRODUCTIONS

20 June 1994/via fax: one page only/ confidential

Michael P. Frankfurt
FRANKFURT, GARBUS, KLEIN & SELZ, P.C.
485 Madison Avenue
New York, NY 10022

Re: *Whole Earth Catalog*

Dear Michael:

Thank you for the call and the benefit of your thoughts.

I conferred by phone today with John Sumser, Executive Director of POINT FOUNDATION, and he has authorized me to proceed with engaging your firm to establish the trademark(s) for *Whole Earth Catalog* and its derivatives, and to formalize the rights agreement and exclusive agency now in place between POINT and LEGACY.

Please initiate the process from your end immediately and let me know what you need from us. I look forward to working together with you and your associates, and I have the sense we will have much to do beyond this phase.

Best,

Tano

Gaetano Kazuo Maida
Producer

2550 NINTH STREET BERKELEY, CA 94710-2552 USA TELEPHONE:510.848.8300 FACSIMILE:510.848.8319